IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.639 OF 2004
IN
REVIEW PETITION (L) NO.46 OF 2004
IN
WRIT PETITION NO.162 OF 2003

Association of Engg. Workers .. Petitioner.

V/s.

Premier Automobiles Ltd. & Ors. .. Respondents.

Mr.N.M. Ganguli for the applicant.

Mr.Santosh Shetty i/b. M/s.T.S. Shetty & Associates for respondent No.1.

Mr.Ganesh Shetty i/b. M/s.Crawford Bayley & Co. for respondent No.2.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 5TH MAY, 2006.

P.C. :

Heard Mr.N.M. Ganguli, the counsel for the applicant.

2. The applicant namely Association of Engineering Workers has filed review petition seeking review of the order dated 29th December, 2003 passed by the Division Bench (one of us R.M. Lodha, J. being the Presiding Judge). The review petition suffers from delay of 333 days. By this notice of motion, the applicants seeks condonation of delay.

The only ground for condonation of delay is set out in para 2 of the affidavit in support of the notice of motion, which reads thus :

> "2. I say that the certified copy of the said order is applied for on 31.07.2003 and the same was ready on 12.09.2003 and delivered on 15.09.2003 to the Petitioner's Advocate. I say that the Review petition has been necessitated by the stands taken by the Respondent No.1 in the Labour Court as more specifically set out in the petition which came to be known to the petitioner after filing of the written statement by the Respondent in the reference."

3. We are afraid the aforesaid reason does not make any cause much less sufficient cause explaining the long delay of 333 days.

4. We are, therefore, not inclined to grant the application for condonation of delay. The notice of motion is rejected.

5. Since the review petition is barred by time and the notice of motion for condonation of delay has been rejected by us, the review petition is liable to be dismissed as time-barred and is dismissed accordingly.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)